



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 3, 1995

Mr. John Steiner  
Division Chief, Law Department  
City of Austin  
Norwood Tower  
P.O. Box 1088  
Austin, Texas 78767-1088

OR95-1038

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 35829.

The City of Austin received an open records request for a copy of a police report regarding an alleged sexual assault. The requestor is the attorney for the victim and has provided you with a consent form signed by the victim authorizing you to release the report to the requestor. Therefore, the privacy rights of the victim are not at issue in this request. You do, however, inquire as to whether the privacy rights of the suspect prevent you from releasing the report.

We conclude the suspect does not have a privacy interest that prevents you from releasing the report. Section 552.101 encompasses information protected by the common-law right of privacy. For information to be protected from public disclosure under the common-law right of privacy as section 552.101 incorporates it, the information must be highly intimate or embarrassing and of no legitimate public interest. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The identity of a person suspected of committing a crime is of a legitimate public interest. *Cf.* Open Records Decision No. 408 (1984) at 10 (concluding public has legitimate interest in identity of individual against whom charges were dismissed). Furthermore, the report itself mitigates any embarrassment that the suspect might suffer by indicating that the suspect was never arrested or prosecuted. Thus, you must release the requested report to the requestor in this case.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive style with a large, stylized "M" and "R".

Margaret A. Roll  
Assistant Attorney General  
Open Records Division

MAR/rho

Ref.: ID# 35829

Enclosures: Submitted documents

cc: Gloria Briseno  
602 Sawyer Street, Suite 204  
Houston, Texas 77007-7510  
(w/o enclosures)